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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,951

10/17/2003

Derek Collison

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BAKER & MCKENZIE LLP

PATENT DEPARTMENT

2001 ROSS AVENUE

SUITE 2300

DALLAS, TX 75201

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

12/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,951

Applicant(s)

COLLISON, DEREK

Examiner

AARON STRANGE

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-44 and 46-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 26-44 and 46-50 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In the interest of expedited prosecution, the Examiner strongly recommends conducting an interview prior to filing a response to the present Office action. The Examiner feels that an interview would help foster a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide antecedent basis for the term "computer-readable medium", appearing in claims 36-44 and 46. The specification and/or claims should be amended to provide antecedent basis for the claim language.

The Examiner notes that the specification contains the term "machine-readable medium" in the specification (§51), which is described as including "carrier wave signals". To the extent that the term "computer-readable medium" is intended to include "machine-readable" media, it is noted that "carrier wave" type media are non-statutory,

and a claim clearly directed to "carrier wave" type media would be subject to rejection under 35 U.S.C. § 101. *See In re Nuijten*, 500 F.3d 1346, 1357 (Fed. Cir. 2007).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 47-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claim 47 is directed to a "system" comprising a "server" configured to perform various operations. Based on the specification of the present application, these operations are performed by a software program. Additional evidence of this may be found in claim 36, which claims "instructions: for performing the same operations. Since the claimed "server" contains no hardware elements, the "server" may reasonably be interpreted as a software program. Software *per se* is non statutory. The Examiner recommends amending the claim to incorporate at least some hardware elements into the server, such as memory element and a processor.

7. Claims 48-50 are rejected by virtue of their dependency from the above claims and their failure to remedy the above noted deficiencies.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 26-44 and 46-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. With regard to claim 26, the limitations “determining whether the at least one original destination is configured to receive the message” and “determining whether the at least one bridged destination is configured to receive the message” are not disclosed in the specification. The Examiner has reviewed the specification and is unable to locate any disclosure related to “determining whether [a destination] is configured to receive the message”. While the specification does appear to contain some disclosure related to delivery of messages only to subscribers , there does not appear to be any disclosure directed to “determining” if those subscribers are “configured to” receive the messages. Independent claims 36 and 47 contain similar recitations and are rejected under the same rationale.

11. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 26-32 and 34-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US PGPub 2003/0115366) in view of Todd (US 6,510,429).

14. In regards to claims 26, 36, and 47 Robinson discloses, a method, a tangible, machine-readable medium embodying a sequence of instructions, and a system of communicating a message in a computer network, comprising:

receiving the message from a sender application (fig. 1 #31), the sender application associated with a first messaging paradigm (¶0019 line(s) 2-8, teach using an user application to create the messaging paradigm (Queuing) connection factory to start a messaging session);

processing the message according to the first messaging paradigm (fig. 2 #208-212, ¶0029 line(s) 1-8, teach using the queuing messaging method as a messaging

paradigm), wherein the processing the message according to the first messaging paradigm comprises routing the message to at least one original destination and determining whether the at least one original destination is configured to receive the message (messages are sent to queue configured to handle the message data)(¶29); and

processing the message according to a second messaging paradigm (fig. 2 # 214-218, ¶0031, teach using the publish-and-subscribe method as a messaging paradigm).

Robinson does not teach the processing the message according to the second messaging paradigm comprises routing the message to at least on bridged destination and determining whether the at least one bridged destination is configured to receive the message.

In the same field of endeavor Todd teaches a relational message broker placing the message in the appropriate output queues; therefore the bridged destination is permitted to receive the message since the user is a subscriber of the topic (Col. 5 line(s) 46-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

15. In regards to claim 35 Robinson's discloses, wherein the first messaging paradigm and the second messaging paradigm utilize Java messaging (§§0014 line(s) 16-20).

16. In regards to claim 37 Robinson's discloses, wherein the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, §§0015 line(s) 9-12, §§0020), the sender application comprises a publishing application (fig. 1 #30), the message is associated with a topic (§§0020), and the processing the message according to the first messaging paradigm comprises routing the message to a publish module (§§0009 line(s) 3-6, §§0015 line(s) 25-26, §§0016 line(s) 3-6).

17. In regards to claim 38 Robinson's, wherein the processing the message according to the first messaging paradigm further comprises delivering the message to a number of subscriber applications that are registered to receive messages associated with the topic (§§0016 line(s) 3-6, §§0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message and the message is directed to all the clients that have subscribed to that topic.).

18. In regards to claim 39 Robinson's, wherein the number of subscriber applications is zero (§§0016 line(s) 3-6, §§0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message, the message is directed to

all the clients that have subscribed to that topic, when there are no subscribers no clients receive the message the delivery is aborted, i.e. there are zero subscribers.).

19. In regards to claim 40 Robinson's discloses, wherein the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206).

20. In regards to claim 41 Robinson's discloses, wherein the first messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, teach a queuing messaging paradigm. It is inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.) and the processing the message according to the first messaging paradigm comprises routing the message to a queue module (fig. 2 #214-218, ¶0019 line(s) 8-14, ¶0031).

21. In regards to claim 42 Robinson's discloses, wherein the processing the message according to the first messaging paradigm further comprises delivering the message to a queue consumer (¶0016 line(s) 3-6, ¶0031).

22. In regards to claim 43 Robinson's discloses, wherein the second messaging paradigm is a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, ¶0015 line(s) 9-12, ¶0020, teach a publish-subscribe messaging paradigm. It is inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.).

23. In regards to claims 27, 44, and 48 Robinson discloses, wherein the processing the message according to the first messaging paradigm comprises routing the message to at least one original destination (§0009 line(s) 3-6, §0015 line(s) 25-26, §0016 line(s) 3-6).

Robinson does not teach the processing the message according to the second messaging paradigm comprises routing the message to at least one bridged destination associated with the at least one original destination.

In the same field of endeavor Todd's teach using multiple messaging paradigm using a relational message broker (bridge) for routing messages through the it to their destination, associated with the subscriber (original destination) (col. 5 line(s) 30-35, 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a broker/bridge for analyzing the data and deciding which receiver application to forward the message to.

24. In regards to claims 28 and 49 Robinson's does not teach wherein a software bridge associates a first of the at least one original destinations with a first of the at least one bridged destinations.

In the same field of endeavor Todd teach the relational message broker is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding which receiver application to forward the message to.

25. In regards to claim 29 Robinson's, wherein the at least one original destination comprises a plurality of original destinations (§0016 line(s) 3-6, §0020, teach using the publish subscriber method, therefore when the client (publisher) sends out the message the message is directed to all the clients that have subscribed to that topic, i.e. multiple original destinations.).

Robinson's does not teach the software bridge associates the plurality of original destinations with the first bridged destination.

In the same field of endeavor Todd teach the relational message broker, is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49), linking the destination to a destination in a queue (first bridge destination) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability

of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

26. In regards to claim 30 Robinson's does not teach, wherein the at least one bridged destination comprises a plurality of bridged destinations, and wherein the software bridge associates the first original destination with the plurality of bridged destinations.

In the same field of endeavor Todd teaches a relational message broker (bridge) linking the original destination to a plurality of output queues (destinations) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

27. In regards to claim 31 Robinson's discloses, wherein a plurality of messages are routed to the first original destination (¶¶0016 line(s) 3-6, ¶¶0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message the message is directed to all the clients that have subscribed to that topic, i.e. multiple original destinations.).

Robinson's does not teach the software bridge selects the message from the plurality of messages.

In the same field of endeavor Todd teach the relational message broker, is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49), picking messages and placing them in the appropriate output queues (destination) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

28. In regards to claim 32 Robinson's does not teach, wherein the processing the message according to the second messaging paradigm further comprises determining that the first bridged destination is permitted to receive the message.

In the same field of endeavor Todd teach the relational message broker placing the message in the appropriate output queues; therefore the bridged destination is permitted to receive the message since the user is a subscriber of the topic (Col. 5 line(s) 46-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability

of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

29. In regards to claim 34 Robinson's does not teach, wherein an administrator console comprises the software bridge.

In the same field of endeavor Todd teach the broker/bridge residing on a server/administrator console (col. 11 line(s) 11-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having an administrator console having the software bridge for ease of configuration for making changes as need be to the bridge.

30. In regards to claim 46 Robinson's discloses, aborting delivery of the message unless the at least one original destination (§0016 line(s) 3-6, §0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message, the message is directed to all the clients that have subscribed to that topic, when there are no subscribers no clients receive the message the delivery is aborted.).

Robinson's does not teach the at least one bridged destination are configured to receive the message.

In the same field of endeavor Todd teach filtering the messages, to the bridged destination, according to user preferences (Col. 7 line(s) 9-12), therefore aborting the delivery of the message when there are not any users to receive it.

31. In regards to claim 50 Robinson's discloses, wherein the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, ¶0015 line(s) 9-12, ¶0020), and the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, ¶0031).

32. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US PGPub 2003/0115366), in view of Todd (US 6,510,429) further in view of Tuatini (US PGPub 2001/0047385).

33. In regards to claim 33 neither Robinson nor Todd taught, wherein a configuration file comprises the software bridge.

In the same field of endeavor Tuatini's teach wherein a configuration file comprises the software bridge (¶0126).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method and Todd's message broker apparatus, method and computer program product with Tuatini's teaching as discussed above to allow for the capability of having a file that stores all the necessary functions for the bridge to work properly.

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Examiner, Art Unit 2453